

1 JOHN GOLDMARK (*pro hac vice*)
johngoldmark@dwt.com
2 HEATHER F. CANNER (State Bar No. 292837)
heathercanner@dwt.com
3 ERWIN RESCHKE (*pro hac vice*)
erwinreschke@dwt.com
4 DAVIS WRIGHT TREMAINE LLP
865 South Figueroa Street, 24th Floor
5 Los Angeles, California 90017-2566
Telephone: (213) 633-6800
6 Fax: (213) 633-6899

7 Attorneys for Defendants
AMAZON.COM, INC.;
8 AMAZON.COM SERVICES LLC;
AUDIBLE, INC.; AND
9 ALEXA INTERNET

10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15 IN RE AMAZON CONSUMER
16 SPEECH LITIGATION

17 This Document Relates To:
18 All Actions
19
20
21
22
23
24
25
26
27
28

Master File No. 2:24-cv-00089-HDV-E

**DECLARATION OF JOHN A.
GOLDMARK IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS'
CONSOLIDATED AMENDED
COMPLAINT**

Assigned to the Hon. Hernan D. Vera
Dept.: Courtroom 5B

DECLARATION OF JOHN A. GOLDMARK

I, John A. Goldmark, declare as follows:

1. I am a partner with the law firm of Davis Wright Tremaine LLP, counsel for defendants Amazon.com, Inc., Amazon.com Services LLC, Audible Inc., and Alexa Internet (collectively “Amazon”) in this matter. I make this declaration in support of Defendants’ Motion to Dismiss Plaintiffs’ Consolidated Amended Complaint. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, I could and would competently testify to them.

2. Attached as **Exhibit 1** is a true and correct copy of the Amazon.com Conditions of Use publicly posted on Amazon.com as it appeared on Amazon.com on February 5, 2024. This copy was obtained from Amazon.com at <https://www.amazon.com/gp/help/customer/display.html?nodeId=GLSBYFE9MGKKQXXM> (last visited June 13, 2024) and has remain unchanged since September 14, 2022.

3. Attached as **Exhibit 2** is a true and correct copy of Amazon’s Customer Review Policy publicly posted on Amazon.com as it appeared on February 5, 2024. This copy was obtained from Amazon.com at <https://www.amazon.com/gp/help/customer/display.html?nodeId=G3UA5WC5S5UUKB5G> (last visited on June 13, 2024).

4. Attached as **Exhibit 3** is a true and correct copy of the Orange County Superior Court’s order sustaining the demurrer filed by Cisco Systems, Inc. in *Dixon v. Cisco Systems, Inc.*, No. 30-2023-01364539-CU-MC-CXC (Orange Cnty. Super Ct.), appearing as Docket No. 72.

5. Attached as **Exhibit 4** is a true and correct copy of the Complaint filed in *Dixon v. Cisco Systems, Inc.*, No. 30-2023-01364539-CU-MC-CXC (Orange Cnty. Super Ct.), appearing as Docket No. 2.

